

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1 and 3 are canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 2 and 4-6 have been rewritten independent form. Claims 2 and 4-6 are pending.

Initially, Applicants would like to thank the Examiner for the indication that the application contains allowable subject matter, and that claims 2 and 6 are allowable. Applicants have rewritten claims 2 and 6 in independent form, including all of the limitations of the base claim, and respectfully submit that those claims are in condition for allowance.

Claim rejections - 35 U.S.C. § 102/103

Claims 1 and 3-5 stand rejected being unpatentable over U.S. Patent No. 5,416,358 (Ochi). Applicants respectfully traverse this rejection; however, claims 1 and 3 have been canceled, rendering those rejections moot.

Claim 4 has been rewritten in independent form. Claim 4 is directed to a contactless data carrier. A hollow resin case is formed by allowing a first part and a second part to join each other and the first slit is provided in a portion where the first part and the second part join each other. By this arrangement, the resin case can be prevented from swelling due to temperature conditions within the resin case. *See, e.g.*, page 6, lines 14-21.

Ochi is directed to an IC card mounting frame. However, Ochi does not disclose or suggest that a hollow resin case is formed by allowing a first part and a second part to join each other and that a first slit is provided in a portion where the first part and the second part join each other. Rather, to the extent that a hollow case is formed by Ochi, that case is formed by combining frame 7 with thin plate 5. However, through-hole 7c is not a slit provided in a portion where either of those parts join each other. Accordingly, Applicants respectfully submit that claim 4 is allowable over the cited reference.

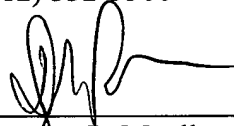
Claim 5 has been rewritten in independent form. Claim 5 is directed to a contactless data carrier. An electronic circuit module is positioned close to one face inside a hollow resin case and a first slit is provided in a face opposing the one face of the hollow resin case. By this arrangement, the effects of static electricity on the data carrier can be reduced. *See, e.g.*, page 6, line 34 through page 7, line 3.

Ochi also does not teach or suggest the feature of the respective positioning of the electronic circuit module a slit as recited in claim 5. Ochi instead teaches that an IC 3 and other components 4 can be placed on a circuit board 2. However, the circuit board, containing other electrical components, is simply centered on the card. *See, e.g.*, Figure 3. Accordingly, Ochi does not teach or suggest that an electronic circuit module is positioned close to one face inside a hollow resin case and a first slit is provided in a face opposing the one face of the hollow resin case.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300



Douglas P. Mueller
Reg. No. 30,300
DPM:DTL

Date: March 3, 2004